

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

ANDRE JEAN-BAPTISTE,

Plaintiff,

Case No.: 15-CA-636

v.

GLK FOODS, LLC,

Defendant.

/

**DEFENDANT'S ANSWER AND AFFIRMATIVE
DEFENSES TO PLAINTIFF'S SECOND AMENDED COMPLAINT
FOR DAMAGES, DECLARATORY RELIEF AND INJUNCTIVE RELIEF**

COMES NOW the Defendant, GLK Foods, LLC, by and through undersigned counsel, pursuant to Rules 8 & 12 of the Federal Rules of Civil Procedure, hereby files its Answer and Affirmative Defenses to Plaintiff's Second Amended Complaint for Damages, Declaratory Relief and Injunctive Relief, and states as follows:

PRELIMINARY STATEMENT

1. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.
2. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.
3. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.
4. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

JURISDICTION

5. Admitted.
6. Admitted.

VENUE

7. Admitted.

PARTIES

8. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

9. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

CLASS ACTION ALLEGATIONS

10. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

11. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

12. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

13. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

14. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

15. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

16. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

17. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation, and the subparts specifically set forth therein.

COUNT I

(MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT) (2011 CABBAGE SEASON)

(CLASS CLAIMS)

18. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

19. Admitted.

20. Admitted that GLK Foods, Inc. applied for workers pursuant to 8 U.S.C. § 1101(a)(15)(H)(ii)(B) and 8 C.F.R. §214.2(h)(6)(iv)(A), otherwise denied.

21. Admitted.

22. Admitted that the application was submitted by LABORQUEST USA of Boca Raton, Florida, otherwise denied.

23. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

24. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

25. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

26. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

27. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

28. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

29. Denied.

30. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

31. Denied.

32. Denied.

33. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

34. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

35. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

36. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

37. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

38. Denied.

39. Denied.

40. Denied.

41. Denied.

COUNT II

(MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT) (2012 CABBAGE SEASON)

42. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

43. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

44. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

45. Denied.

46. Denied.

47. Denied.

COUNT III

(MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT) (2013 CABBAGE SEASON)

48. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

49. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

50. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation.

51. Denied.

52. Denied.

53. Denied.

PRAYER FOR RELIEF

Defendant denies that the Plaintiff is entitled to any relief requested in his prayer for relief.

Defendant denies any allegation that is not specifically admitted or denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Some or all of Plaintiff's Claims under the Migrant and Seasonal Agricultural Workers Protection Act are barred by the applicable Wisconsin Statute of Limitations.

SECOND AFFIRMATIVE DEFENSE

Defendant acted in good faith and was under the reasonable belief that third parties were complying with the provisions of the Migrant and Seasonal Agricultural Workers Protection Act.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's and putative class members' claims are barred, in whole or in part, by the doctrine of release, waiver, and/or accord and satisfaction based upon either the execution of a release or settlement agreement.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's and putative class members' claims are the results of the acts or omissions of a third party.

RESERVATION OF RIGHTS

Defendant reserves the right to amend its Answer to Plaintiff's Second Amended Complaint and add additional defenses as discovery may warrant.

WHEREFORE, Defendant, GLK Foods, LLC, requests this Court enter judgment in its favor and any additional relief this Court deems just and appropriate.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system and a true and correct copy was served by CM/ECF to: Gregory S. Schell, Esq. (greg@floridalegal.org) Migrant Farmworker Justice Project, 508 Lucerne Ave., Lake Worth, FL 33460-3819, this 27th day of November, 2015.

/s/ Bradley S. Bell
BRADLEY S. BELL, ESQ.
FL Bar No.: 184306
DOUGLAS J. COLLINS, ESQ.
FL Bar No.: 25838
BELL LAW GROUP, P.A.
407 N. Howard Avenue
Suite 201
Tampa, FL 33606
(813) 867-4522 (Ph)
(813) 867-4542 (Fax)
Attorneys for Defendant,
GLK Foods, LLC
bbell@bbellpa.com
dcollins@bbellpa.com
Secondary email addresses:
cleavy@bbellpa.com
scordray@bbellpa.com